

37 CFR § 1.105 - Requirement for Information

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Examiner's research appears to suggest Applicant sold or public used one or more products containing the claimed subject matter, as evidenced by at least the following references:

- NetOnCourse.com Webpages (2002)
- MR-Live Product Overview presentation (2001)
- NetOnCourse – Masters of Future Think

The information is required to identify products and services embodying the disclosed subject matter of conducting a survey session and identify the properties of similar products and services found in the prior art.

In response to this requirement, please provide the citation and a copy of each publication which any of the applicants authored or co-authored and which describe the disclosed subject matter of conducting a survey session or focus group.

In response to this requirement, please provide the citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For

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each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.

In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

In response to this requirement, please state the specific improvements of the claimed subject matter in claims conducting a survey session over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements. For those claims expressed as means or steps plus function, please provide the specific page and line numbers within the disclosure which describe the claimed structure and acts.

In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant's invention, particularly as to developing (conducting a survey session). For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to draft the claimed subject matter.

For each publication, please provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is

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unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete response to the enclosed Office action must include a complete response to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is 3 months.

DETAILED ACTION

1. This Non-Final Office Action is in response to Applicant's amendment filed March 29, 2010. Applicant's amendment amended claims 46-51, and 7073, added new claims 113-115 and canceled claims 2-8, 10-11, 13, 18, 20-22, 24-45, 57-69, and 76-87, Claims 52-56 and 101-112. Currently claims 1,9,12,14-17,19,23,46-56,70-75 and 88-115 are pending with claims 52-56 and 101-112 are withdrawn as being directed to a non-elected invention.

Election/Restrictions

2. Claims 52-56 and 101-112 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 29, 2010.

Title

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Online Adaptive Survey System and Method.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 9, 12, 14-17, 46-51, 70-75, 88-99 and 113-115 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claimed process is eligible for patent protection under 35 U.S.C. § 101 if: "(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines.');

Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' ');

Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').

7 A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a

fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." (In re Bilski, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008)).

Also noted in Bilski is the statement, "Process claim that recites fundamental principle, and that otherwise fails 'machine-or-transformation' test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere 'insignificant post-solution activity.'" (In re Bilski, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test. Please refer to the USPTO's "Guidance for Examining Process Claims in view of In re Bilski" memorandum dated January 7, 2009,

http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf .

It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals

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Informative Opinion Ex parte Langemyr et al. (Appeal 2008-1495),

<http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf> .

Claims 1, 9, 12, 14-17,19,23, 46-51, 70-75, 88-100 and 113-115 are not tied to a particular machine or apparatus nor do they transform a particular article into a different state or thing, thereby failing the machine-or-transformation test; therefore, claims 1, 9, 12, 14-17,19,23, 46-51, 70-75, 88-100 and 113-115 are non-statutory under § 101.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 50 and 52 recite the limitation "the statistical distribution of answers..." in 49 and 1 respectively. There is insufficient antecedent basis for this limitation in the claim. Examiner interpreted the claim to read "a statistical distribution of answers" for the purposes of examination.

Appropriate correction required.

Claims 73 recites the limitation "the statistical ..." in 1. There is insufficient antecedent basis for this limitation in the claim. Examiner interpreted the claim to read "on a statistic" for the purposes of examination.

Appropriate correction required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 9,12, 14-17,19, 23, 46, 47, 49-51,70-72,88-90, 95, 96, 100 and 113-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock U.S. Patent No. 7,181696 in view of Davis, U.S. Patent No. 6,256,663.

Regarding Claims 1, 19 and 46 Brock teaches a system and method of conducting a survey session comprising:

- providing a plurality of questions to respondents, at least some questions being provided to a plurality of respondents (Column 3, lines 10-58; Figure 1, Elements 10a-10h);
- collecting answers to the questions from the respondents (Column 4, Lines 11-37; Column 5, Lines 6-53; Column 13, lines 15-43; Figure 6);
- collecting responses to the transferred questions, at least some of the responses be qualitative (Column 4, Lines 11-37; Column 5, Lines 6-53; Column 13, lines 15-43; Figure 6);
- transferring at least some of the answers to users other than those who generated the answers (Column 14, Lines 22-28; Figure15);

- providing a (summary) report at least partially based on qualitative responses *or* answers collected from the respondents (Column 3, Lines 39-68; Column 4, Lines 49-56; Column 5, Lines 55-68; Column 9, Lines 1-7; Figures 9, 13, 14, 18);

- adjusting the progression (flow, questions, timing, answers, direction, path, route, respondents, etc.) of the survey session response to the (summary) report provided, during the survey session (Column 4, lines 49-56; Column 6, Lines 1-4; Column 13, Lines 4-10, 44-57; Column 16, Lines 24-29; Figure 12).

Brock further teaches Regarding generating wording for at least one question responsive to the answers received from the respondents (Column 4, lines 49-56; Column 6, Lines 1-4; Column 13, Lines 4-10, 44-57; Column 16, Lines 24-29; Figure 12).

Brock does not expressly teach transferring (providing, savings, displaying, sharing, publishing, etc.) at least some of the answers to respondents other than those who generated the answers, during the survey session a Claimed.

Davis teaches a system and method for conducting a survey session comprising transferring (providing, savings, displaying, sharing, publishing, etc.) at least some of the answers to respondents other than those who generated the answers, during the survey session (Chat, IM; Column 2, Lines 34-50; Column 5, Lines 59-68; Column 8, Lines 59-65; Figures 5, 7) in an analogous art of conducting surveys.

More generally Davis teaches a system and method for conducting surveys comprising: providing a plurality of questions to respondents at least some of the questions being provided to a plurality of respondents; collecting answers from respondents, adjusting the progression of the survey responsive to the collected answers/responses (Column 2, Lines 10-30; Column 6, Lines 60-68; Column 7, lines 30-38).

It would have been obvious to one skilled in the art at the time of the invention that the system and method as taught by Brock would have benefited from transferring (providing, savings, displaying, sharing, publishing, etc.) at least some of the answers to respondents other than those who generated the answers, during the survey session in view of the teachings of Davis, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 9 Brock does not expressly teach transferring answers to respondents as discussed above.

Davis teaches a system and method wherein at least one of the questions provided is after transferring at least some of the answers to respondents other than

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those who generated the answers (Column 2, Lines 34-50; Column 5, Lines 59-68; Column 8, Lines 59-65; Figures 5, 7).

Regarding Claim 12 Brock does not expressly teach transferring the answers to respondents, as discussed above, or that the respondents are divided into sub-groups as claimed.

Davis teaches a survey sessions system and method wherein respondents are divided into sub-groups (groups, segments, locations, clusters, etc.; Column 2, Lines 34-50; Column 5, Lines 59-68; Column 8, Lines 59-65; Figures 5, 7) and wherein transferring the answers comprises transferring each answer to respondents in the same sub-group as the responded who generated the answer teach a system and method wherein the respondents are divided into sub-groups (groups, segments, locations, clusters, etc.) and wherein transferring the answers comprises transferring each answer to respondents in the same sub-group as the responded who generated the answer (Column 2, Lines 34-50; Column 5, Lines 59-68; Column 8, Lines 59-65; Figures 5, 7).

Regarding Claim 14 Brock teaches a system and method wherein at least one of the provided questions is generated responsive to statistics (data, metrics, etc.) on the answers collected from a plurality of respondents (Column 5, Lines 55-68; Column 13, lines 20-40; Figures 13-16).

Regarding Claim 15 Brock teaches a system and method wherein at least one question is generated (Column 4, lines 49-56; Column 6, Lines 1-4; Column 13, Lines 4-10, 44-57; Column 16, Lines 24-29; Figure 12).

Brock does not expressly teach that one of the questions is generated automatically.

It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner* , 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of generating a question gives you just what you would expect from the manual step as shown in Brock. In other words there is no enhancement found in the claimed step. The claimed automated step only provides automating the manual activity. The end result is the same as compared to the manual method. A computer can simply iterate the steps faster. The result is the same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to automate the generation of at least one question because this would speed up the process of matching policies with customers, which is purely known, and an expected result from automation of what is known in the art.

Regarding Claim 16 Brock does not expressly teach transferring answers to respondents as discussed above.

Davis teaches a system and method wherein transferring the answers comprises transferring answers from at least one of the respondents to a group of respondents which changes during the survey for different answers of the respondents (Column 2, Lines 34-50; Column 5, Lines 59-68; Column 8, Lines 59-65; Figures 5, 7).

Regarding Claim 17 Davis does not teach grouping respondents as claimed.

Davis teaches a system and method wherein the group of respondents receives the answers changes at least partially according to the content of the answers (Column 2, Lines 34-50; Column 5, Lines 59-68; Column 8, Lines 59-65; Figures 5, 7).

Regarding Claim 23 Brock teaches a system and method wherein at least some of the provided questions are closed questions (Figure 11, Element 128; Figure 2, Element 360; Figure 12, Element 258).

Regarding Claim 47 Brock teaches a system and method further comprising selecting from a plurality of answers given to an open question (Figure 12, Element 260,

Figure 11, Element 250) (several answers to be used in a closed version of the open question – merely recites the intended use of the answers).

Regarding Claim 49 Brock teaches a system and method wherein the system generates at least one open question (Figure 12, Element 260, Figure 11, Element 25; Column 4, lines 49-56; Column 6, Lines 1-4; Column 13, Lines 4-10, 44-57; Column 16, Lines 24-29; Figure 12).

Regarding Claim 50 Brock teaches does not expressly teach a system and method wherein the at least one question asks for the reason of a statistical distribution of answers to one or more questions.

Brock does not expressly teach the specific data (question) recited in claim 50 (at least one question asks for the reason of a statistical distribution of answers to one or more questions); however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claim 51 Brock teaches a system and method further comprising generating at least one question during the same survey session in which the answers used in generating the question were received (Column 4, lines 49-56; Column 6, Lines 1-4; Column 13, Lines 4-10, 44-57; Column 16, Lines 24-29; Figure 12).

Regarding Claims 70 and 72 Brock teaches a system and method further comprising:

- providing during a survey session, a first question to a first group of a plurality of respondents (Column 3, lines 10-58; Column4, Lines 11-37; Column 5, lines 6-53);
- statistically (mathematically) analyzing the collected answers to the first question (Column 5, lines 55-68; Column 13, lines 20-40; Figures 13-16);
- providing, during the survey session, a second a question to a plurality of respondents (Column 3, lines 10-58; Column4, Lines 11-37; Column 5, lines 6-53);
- collecting and (statistical) tabulating the answers to the second questions Column 5, lines 55-68; Column 13, lines 20-40; Figures 13-16).

Brock does not expressly teach the specific data (question) recited in claim 70 (a question on the reasons to a statistical distribution of the collected answers to the first question); however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same

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regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claim 71 Brock teaches a system and method wherein the second question comprises an open question (Figure 12, Element 260; Figure 11, Element 250).

Regarding Claim 88 Brock teaches system and method wherein the (summary) report is provided in real-time (Column 5, lines 55-65; Column 3, lines 58-65; Figure 13).

Regarding Claim 89 Brock teaches a system and method wherein the (summary) report comprises a statistical report (Column 5, Lines 55-68; Column 13, lines 20-40; Figures 13-16).

Regarding Claim 90 Brock teaches a system and method further comprising displaying the (summary) report to a moderator of the survey, during the survey session (Column 5, lines 55-65; Column 3, lines 58-65; Figure 13).

Regarding Claim 95 Brock does not expressly teach transferring respondent answers, as discussed above.

Davis teaches transferring respondent answers, as discussed above, but is silent as to whether or not at least one answer is delayed relative to the time the answer was received.

Official notice is taken that a delay, although potentially small, is inherent in any transferring (publishing, forwarding, displaying, etc.) wherein it is nearly impossible to simultaneously receive and answer and display it without some delay.

Further it is noted that whether or not there is a delay merely represents non-functional descriptive material wherein the method steps remain the same regardless of a delay or lack thereof in transferring respondent answers.

It would have been obvious to one skilled in the art at the time of the invention that the survey system and method as taught by the combination of Brock and Davis would have inherently had a delay in transferring at least one answer in view of the teachings of official notice.

Regarding Claims 96 and 100 Brock teaches a system and method wherein adjusting the survey progression further comprises using the (summary) report to generate or modify one or more questions provided to the respondents (Column 4, lines

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49-56; Column 6, Lines 1-4; Column 13, Lines 4-10, 44-57; Column 16, Lines 24-29; Figure 12).

Regarding Claims 113 and 114 Brock and Davis are silent on the specific size limitations/constraints of the survey system however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claim 115 Brock teaches a system and method wherein the survey comprises a focus group (Abstract; Column 2, Lines 24).

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10. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brock U.S. Patent No. 7,181,696 in view of Davis, U.S. Patent No. 6,256,663 as applied to claims 1, 19, and 46 above and further in view of Bates et al., U.S. Patent No. 6,807,566

Regarding Claim 48 neither Brock nor Davis expressly teach receiving respondent ratings of answers as claimed.

Bates et al. teach a system and method further comprising receiving respondent ratings of the answers and utilizing the ratings in generating at least one question (message/feedback rating; Abstract; Figure 2, Elements 202, 206; Figure 3; Column 6, Lines 10-68).

It would have been obvious to one skilled in the art at the time of the invention the survey session system and method as taught by the combination of Brock and Davis would have benefited from rating respondents answers (feedback, comments, etc.) in view of the teachings of Bates et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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11. Claims 73-75 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock U.S. Patent No. 7,181,696 in view of Davis, U.S. Patent No. 6,256,663 as applied to claims 1, 19, and 46 above, and further in view of Martino et al, U.S. Patent No. 6, 778,807.

Regarding Claim 73 Brock and Davis teach a survey session method and system comprising transferring at least some of the answers to respondents other than those who generated the answers, as discussed above.

While setting goals for surveys (e.g. population size, confidence level, etc.) is old and very well known neither Brock nor Davis expressly teach setting a survey goal as claimed.

Martino et al. teach a system and method for conducting a survey session comprising (Column 21, Lines 27-49):

- setting a survey goal on a statistic (metric) to be achieved by the survey, prior to providing a plurality of questions;
- comparing a current state of the survey to the goal; and
- controlling the providing of the questions *or* transferring of the answers response to the comparison.

It would have been obvious to one skilled in the art at the time of the invention that the survey system and method as taught by the combination of Brock and Davis would have benefited from controlling a survey session based on a survey goal in view of the teachings of Martino et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 74 Martino et al. teach a system and method wherein controlling comprising determining a number of respondents to receive an answer (question; Column 21, lines 27-49).

Regarding Claim 75 Brock does not expressly teach transferring answers to respondents as claimed, and as discussed above.

Davis teaches a system and method wherein transferring comprising transferring to fewer than all the respondents (Column 2, Lines 34-50; Column 5, Lines 59-68; Column 8, Lines 59-65).

Regarding Claim 94 neither Brock nor Davis expressly teach transferring responses responsive to provided requirements on the number *or* profile of the respondents to receive answers as claimed.

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Martino et al. teach a system and method further comprising transferring responses responsive to a provided requirement on the number *or* profile of the respondents to receive answers (Column 21, Lines 27-49; Abstract).

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12. Claims 91-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock U.S. Patent No. 7,181,696 in view of Davis, U.S. Patent No. 6,256,663 as applied to claims 1, 19, and 46 above, and further in view of Li et al., Mining from open answers in question data (2001).

Regarding Claim 91 neither Brock nor Davis expressly teach grouping similar answers together or stating the percentage for each answer as claimed.

Li et al. teach a system and method wherein the report further comprises grouping similar answers together and stating for each answer the percentage of respondents providing the answer (Column 2, Paragraph 4, Page 444; Table 6, Figure 3).

It would have been obvious to one skilled in the art at the time of the invention that the survey system and method as taught by the combination of Brock and Davis would have benefited from grouping similar answers and stating the percentage of each in view of the teachings of Li et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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Regarding Claim 92 while Davis teaches analyzing answers (see claim 14) neither Brock nor Davis expressly teach utilizing text mining methods as claimed.

Li et al. teach using text mining methods to analyze the answers (Abstract; Figure 1, Tables 2-4, 6).

Regarding Claim 93 neither Brock nor Davis teach stating dominant words as claimed.

Li et al. teach a system and method wherein the (summary) report comprises stating for dominant words a number of answers including the words (Figure 1, Tables 2-4, 6).

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13. Claims 97-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock U.S. Patent No. 7,181,696 in view of Davis, U.S. Patent No. 6,256,663 as applied to claims 1, 19, and 46 above, and further in view of Nanos et al., U.S. Patent No. 6,381,744.

Regarding Claim 97 while Brock and Davis teach changing (adjusting) the progression of a survey session neither expressly teach adjusting the survey progression comprises changing a *preplanned* survey plan as claimed.

Nanos et al. teach adjusting the survey progression comprises changing a preplanned survey plan (Abstract; Column 10, Lines 1-22; Column 11, Lines 31-40, 60-64; Figure 5) in an analogous art of conducting surveys.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for conducting a survey session as taught by the combination of Brock and Davis would have benefited from adjusting the survey progression comprises changing a *preplanned* survey plan in view of the teachings of Nanos et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 98 neither Brock nor Davis expressly teach changing a preplanned survey, as discussed above.

Nanos et al. teach changing a preplanned survey wherein changing a preplanned survey comprises skipping at one question in a question order of the preplanned survey plan (Column 8, Lines 45-54; Column 9, Lines 65-68; Column 10, Lines 1-15).

Regarding Claim 99 neither Brock nor Davis expressly teach changing a preplanned survey, as discussed above.

Nanos et al. teach a system and method wherein changing a preplanned survey plan comprises adjusting at least one question in a question roster (list, chart, spreadsheet, etc.; Abstract; Column 8, Lines 58-68; Figure 5; Column 10, Lines 10-22)).

Conclusion

This Office action has an attached requirement for information under 37 C.F.R. § 1.105. A complete response to this Office action must include a complete response to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3624